

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WANGLAP YAM, *individually and on
behalf of all others similarly situated*,

Plaintiff,

-v.-

QI XIN, *also known as Brandon Qi*, and
CHINA SUMMIT CAPITAL, LLC,

Defendants.

23 Civ. 9793 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On January 30, 2025, the Court held a conference to issue its oral decision on the motions before the Court: (i) Defendants' motion to strike the class action allegations and dismiss the Complaint and (ii) Plaintiff's motion to dismiss Defendants' counterclaims.

The Court GRANTED IN PART and DENIED IN PART Defendants' motion to strike the class action allegations and dismiss Plaintiff's Complaint. Specifically, the Court DENIED Defendants' motion to strike Plaintiff's class claims without prejudice to renewal at the class certification stage; to dismiss Count III (Violation of New York General Business Law § 349); and to dismiss the breach of contract claim sufficiently alleged in Count V. The Court GRANTED Defendants' motion to dismiss Counts I (Violation of Civil RICO), II (Fraud), and IV (Negligent Misrepresentation), and dismissed each of those Counts with leave to amend. The Court also GRANTED Defendants' motion to dismiss Count VI (unjust enrichment) and the rescission claim in Count V, and dismissed each of those claims with prejudice.

The Court GRANTED Plaintiff's motion to dismiss Defendants' counterclaims. Defendants' defamation counterclaim was dismissed with leave to amend, and Defendants' "harassing and insulting" counterclaim was dismissed with prejudice.

The Court set a deadline for Plaintiff to submit an amended complaint of on or before **February 28, 2025**. Defendants' answer, including its amended defamation counterclaim, is due on or before **March 21, 2025**.

The Clerk of Court is directed to terminate the pending motion at docket entry 44.

SO ORDERED.

Dated: January 30, 2025
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge